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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KLINKEL, KORTNEY L	
ART UNIT	**PAPER NUMBER**
1611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,156	STERN ET AL.	
	Examiner	Art Unit	
	Kortney L. Klinkel	1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2009*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *8-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status

Acknowledgement is made of the remarks and amendments filed 4/15/2009. Independent claim 1 was amended. Claims 1-16 are pending. Claims 8-16 remain withdrawn for being directed to a non-elected invention. Claims 1-7 are under consideration in the instant Office action.

Withdrawn Claim Rejections

Claim Rejections - 35 USC § 102

The rejection of claims 1, and 5-7 under 35 U.S.C. 102(b) as being anticipated by Vrabel et al. (US 6004904, as per applicants' IDS) as evidenced by the MSDS for Rhodafac RE 610 (Ashland, updated 1/26/1998) and the MSDS for Igepal CA-630 (revised 4/2/2003) is withdrawn in light of applicant's claim amendments which narrow the percent weight of surfactant present.

Claim Rejections - 35 USC § 103

The rejection of Claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Vrabel et al. (US 6004904, as per applicants' IDS) as evidenced by the MSDS for Rhodafac RE 610 (Ashland, updated 1/26/1998) and the MSDS for Igepal CA-630 (revised 4/2/2003) in further view of Turnbull (US 5705516) is withdrawn in light of applicant's claim amendments which narrow the percent weight of surfactant present. A

rejection addressing the new claim limitations using these same references can be found below.

The rejection of claims 1-3 and 5-7 under 35 U.S.C. 103(a) as being unpatentable over Ferrell et al. (US 5750130, as per applicants' IDS) as evidenced by the Brij® 72 MSDS (Sigma-Aldrich, updated 10/2/2007) is withdrawn in light of applicant's claim amendments which narrow the percent weight of surfactant present. A rejection addressing the new claim limitations using these same references can be found below.

The rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Ferrell et al. (US 5750130, as per applicants' IDS) as evidenced by the Brij® 72 MSDS (Sigma-Aldrich, updated 10/2/2007) in further view of Turnbull et al. (US 5705516) is withdrawn in light of applicant's claim amendments which narrow the percent weight of surfactant present. A rejection addressing the new claim limitations using these same references can be found below.

Objection to the Specification

The disclosure is objected to because of the following informalities: As first noted in the Office action dated 12/16/2008, the use of a large number of trademarks has been noted in this application. Trademarks should be capitalized wherever they appear and be accompanied by their generic terminology. For example, the use of the trademark BIODAC® appears multiple times throughout the specification. However,

there is never any mention of what it consists of other than it is a granular composition. No mention is made of what the granules are.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. For further information, please refer to MPEP 608.01(v). This objection is maintained.

Response to Arguments and 37 CFR 132 Declaration

Acknowledgement is made of applicant's amendments to the specification to properly address the herbicide related trademarks therein and the 37 CFR 132 Declaration dated 4/15/2009. The amendments to the specification are accepted and are sufficient to overcome the above objection **in part**. However, the 132 declaration dated 4/15/2009 is insufficient to overcome the objection to the trademark BIODAC®. Inventor Alan J. Stern states "that one skilled in the art would know at the time the above identified application [10/582156] was filed that BIODAC® granules are a cellulose complex that is a mixture of paper fiber, kaolin, calcium carbonate, and titanium dioxide." In support of this statement the MSDS for BIODAC® prepared 8/14/2006, showing the ingredients and estimated weight percents of each was supplied. However, the date of the MSDS, 8/14/2006, is well after the effective filing date of the instant application, 12/18/2003. The declaration is therefore, unpersuasive to overcome the objection. The relationship between a trademark and the product it identifies is sometimes indefinite, uncertain, and arbitrary. The formula or characteristics of the product may change from time to time and yet it may continue to be sold under

the same trademark. In patent specifications, every element or ingredient of the product should be set forth in positive, exact, intelligible language, so that there will be no uncertainty as to what is meant. Arbitrary trademarks which are liable to mean different things at the pleasure of manufacturers do not constitute such language. *Ex Parte Kattwinkle,* 12 USPQ 11 (Bd. App. 1931), see also MPEP 608.01(v).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelley (US 5556631) as evidenced by Bush et al. (US 4404339) and the MSDS for glycerol trioleate (Triolein), accessed 5/20/2009 from www.sigma-aldrich.com.

Kelley teaches various pesticidal granules made of a cellulosic carrier having surfactants (abstract). Example 7 describes a pesticidal granule composed of 94.95% peanut hulls, 0.05% deltamethrin, and 5.00% glycerol trioleate. Peanut hulls are cellulosic carriers (col. 1, lines 59-60). Deltamethrin is a pyrethroid insecticide (col. 5, lines 12-14). Glycerol trioleate is a known surfactant as evidenced by Bush et al. see col. 7, line 58. Glycerol trioleate is a liquid at room temperature as evidenced by the MSDS for glycerol trioleate (Triolein).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US 5556631) as evidenced by Bush et al. (US 4404339) and the MSDS for glycerol trioleate (Triolein), accessed 5/20/2009 from www.sigma-aldrich.com.

The teachings of Kelley as evidenced by Bush et al. and the MSDS for glycerol trioleate are set forth above. The specific teachings of Kelley fail to anticipate the composition wherein the pyrethroid insecticide is pyrethrin or bifenthrin of claim 4, or the composition having at least one agricultural adjuvant. However, Kelley also teaches that pyrethrin in addition to deltamethrin are pyrethroid insecticides (col. 5, lines 12-14). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to substitute pyrethrin for deltamethrin in the composition of Kelley with a reasonable expectation for success. One would have been motivated to do so because pyrethrin and deltamethrin are both known pyrethroid insecticides. It is prima facie obvious, absent evidence to the contrary, to substitute one known functional equivalent for another. One of ordinary skill in the art would be imbued with the reasonable expectation that such a substitution would result in a composition useful as a pesticide.

Kelley also teaches several examples having a cellulosic granular carrier, an insecticide, a surfactant and at least one agricultural adjuvant (see examples 4, 6 and 8). Furthermore, Kelley teaches several adjuvants useful in the composition, a few of which are listed in column 2, lines 20-23. It would have been prima facie obvious to one of ordinary skill in the art to add a agricultural adjuvant to the composition of example 7 of Kelley with a reasonable expectation for success. One would have been motivated to do so because Kelley teaches that agricultural adjuvants are commonly added to pesticide granules having cellulose carriers, insecticides and surfactants. One may be

motivated to add an adjuvant to the composition of example 7 to adjust the density of the composition, or to adjust the water solubility or permeability of resulting granules.

Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrabel et al. (US 6004904, as per applicants' IDS) as evidenced by the MSDS for Rhodafac RE 610 (Ashland, updated 1/26/1998) and the MSDS for Igepal CA-630 (revised 4/2/2003).

Vrabel teaches a pesticidal granule which comprises 0.38% pesticide, 1% Igegal CA 630 surfactant, 1.0% Rhodafac RE610, 7.0% N-methylpyrollidine solvent (an agricultural adjuvant), and 90.62% Biodac 20/40 granules (Example 2, column 7). Biodac is a cellulosic granular carrier. Rhodafac RE610 is a nonylphenol polyethoxyate phosphate ester surfactant and Igegal CA 630 is an ethoxylated octylphenol surfactant, both of which are liquids at room temperature (Igepal CA-630 MSDS page 2 and Rhodafac RE610 MSDS page 5). Vrabel also teaches that it is customary for such pesticidal granule compositions to comprise anywhere from 0.5 to 15% surfactant (col. 4, lines 24-25). The purpose of the surfactant is to act as an emulsifying or wetting agent and the use of at least one surfactant is required because the active ingredients are typically not water soluble (col. 3, lines 55-65).

Vrabel fails to teach a specific example having from 4 to 15 % surfactant, but rather teaches a specific example having 2% surfactant and generally teaches that typical pesticide granules can have from 0.5 to 15% surfactant. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to

arrive at a pesticide granule composition having from 4-15% surfactant with a reasonable expectation for success. One would have been motivated to do so because surfactants are known in the art to enable water insoluble active ingredients to form emulsions in aqueous solution which then allows for their even dispersal on the cellulose carrier granules. Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). One would be motivated to adjust the relative amount of surfactant in order to achieve optimal results, such as solubility or emulsification.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrabel et al. (US 6004904, as per applicants' IDS) as evidenced by the MSDS for Rhodafac RE 610 (Ashland, updated 1/26/1998) and the MSDS for Igepal CA-630 (revised 4/2/2003) in further view of Turnbull (US 5705516).

The teachings of Vrabel as evidenced by the MSDS for Rhodafac RE 610 and the MSDS for Igepal CA-630 are set forth above. With respect to claims 2-4, Vrabel also teaches that the pesticidal granule can comprise an insecticide (col. 4, line 49).

Vrabel fails to teach a specific embodiment comprising an insecticide and therefore also fails to teach that the insecticide is a pyrethroid, more specifically

pyrethrin and bifenthrin. The examples of Vrabel comprise an oxazole fungicide, see example 1 among others.

Turnbull teaches oxazoles and their use in agricultural compositions. Turnbull also teaches that bifenthrin, pyrethrin and permethrin are all pyrethroid insecticides (col 112, lines 62-67). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the instant invention to combine the teachings of Vrabel and Turnbull to arrive at the instant claimed invention with a reasonable expectation for success. One would be motivated to do so because Vrabel teaches that insecticides can be used in the pesticide granules and Turnbull teaches that bifenthrin, pyrethrin and permethrin are all pyrethroid insecticides. Furthermore, both Vrabel and Turnbull teach the combination of oxazole pesticides with insecticides.

Response to Arguments

Applicant's arguments filed 4/15/2009 in response to the rejection of claims over Vrabel et al. (US 6004904) as well as Vrabel et al. (US 6004904) in view of Turnbull (US 5705516 have been fully considered, but are moot in light of the new grounds of rejection which now account for the more narrow range of surfactant present in the claimed composition. However, the Examiner will address those issues relevant to the current rejection and the Vrabel reference.

Applicant argues that Vrabel fails to disclose the claimed surfactant ranges. This argument is not persuasive. As addressed above, Vrabel teaches that a range of surfactants of 0.5 to 15% is conventional for use in pesticide granules. Accordingly, the

claimed range of 4 to 15% surfactant is obvious (see above). Applicant has not provided objective evidence to the contrary.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrell et al. (US 5750130, as per applicants' IDS) as evidenced by the Brij® 72 MSDS (Sigma-Aldrich, updated 10/2/2007).

With respect to instant claim 1 which requires a composition comprising 85-97% by weight of a cellulosic granular carrier, 0.01-10% by weight of at least one agriculturally active ingredient and 4-15% by weight of at least one surfactant, Ferrell teaches a composition having a cellulosic granular carrier (paper pulp), at least one agriculturally active ingredient (a pesticide or herbicide), and at least one surfactant (see Example 5, also claim 1). In claim 1 Ferrell teaches that the pesticidal product is present in about 0.05 to 7% by weight of the total composition and that the weight ratio of the pesticidal compound to the carrier is from about 40 to 60 to about 70 to 30. The carrier portion of the composition is the portion which may contain the surfactant (col. 4, line 15 also claim 5). Example 5 provides an example with 0.5 to 2.5% of the fungicide Iprodione on paper pulp granules and an example with 1.0-3.4% of the insecticide diazionon on peanut hull granules.

With respect to claim 2 which recites that the agriculturally active ingredient is an insecticide, Ferrell teaches several possible insecticides for use in the composition, see column 2, line 14-column 3, line 5.

With respect to claim 3 which recites that the insecticide is a pyrethroid, Ferrell teaches Permethrin, a pyrethroid insecticide (col. 2, line 58).

With respect to surfactants, Ferrell teaches that surfactants can be used to modify the rate at which the pesticide is released by modifying the hydrophilicity of the carrier materials (col. 4, lines 15-18). Examples of surfactants taught by Ferrell include tallow amine condensed with 2 moles of ethylene oxide per mole of amine as well as $C_{18\text{-}26}$alcohols condensed with from about 2 to about 10 moles of ethylene oxide per mole of alcohol (col. 4 lines 35-37). These are the same types of surfactants required by instant claim 6. Stearyl alcohol ethylene oxide (2), chemical formula $C_{18}H_{37}(OCH_2CH_2)_2OH$, also known as Brij® 72 is one of the surfactants taught by Ferrell. It has a melting point between 44 and 45 ^{o}C (see page 3, of the Brij® 72 MSDS). This meets the limitations of instant claim 5.

With respect to claim 7 which recites that the composition further comprises at lest one agricultural adjuvant, Ferrell teaches the presence of a wax, among other adjuvants (examples 1-5).

The teachings of Ferrell differ from the instant application in that Ferrell does not specifically, but rather generically teaches the invention of the instant application from a finite number of possibilities. Ferrell fails to disclose specifically a range from 4 to 15% by weight of at least one surfactant. However, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to arrive at the claimed pesticidal composition with a reasonable expectation for success based on the teachings of Ferrell. One would have been motivated to do so because Ferrell teaches

that the use of surfactants allows one to modify the release rate of the pesticide to the environment by modifying the hydrophilicity of the carrier. The ordinarily skilled artisan would be motivated to adjust the relative amounts of the ingredients in order to arrive at a composition with the desired physical properties, such as release rate of active ingredient, in order to arrive at a composition with maximum pesticidal activity.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrell et al. (US 5750130, as per applicants' IDS) as evidenced by the Brij® 72 MSDS (Sigma-Aldrich, updated 10/2/2007) in further view of Turnbull et al. (US 5705516).

The teachings of Ferrell et al. as evidenced by the Brij® 72 MSDS are set forth above.

Ferrell fails to teach the pyrethroid insecticides pyrethrin and bifenthrin as necessitated by instant claim 4. Ferrell, however, does teach the use of the pyrethroid insecticide permethrin as well as the insecticide diazinon (example 5).

Turnbull teaches that bifenthrin, pyrethrin and permethrin are all pyrethroid insecticides (col 112, lines 62-67). Turnbull also teaches that diazinon is an insecticide (col 113, line 11). Bifenthrin, pyrethrin and permethrin are all pyrethroid insecticides. Bifenthrin, pyrethrin, permethrin and diazinon are all well known insecticides. It is prima facie obvious to substituted one known equivalent for another. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the instant invention to substitute bifenthrin or pyrethrin for either permethrin or diazinon, with a reasonable expectation for success as all four compounds are insecticides.

Applicants' data in the specification has been considered. Applicant provides 16 granular pesticide compositions (1-16, pp. 16-17) which all contain BIODAC® 12/20 granules and varying amounts of trademarked solvents and surfactants and the insecticide bifenthrin. Applicant also provides 17 granular pesticide compositions (17-33, p. 19) which all contain BIODAC® 12/20 granules and varying amounts of trademarked solvents and surfactants and the insecticide permethrin. Compositions 17-33 were studied in an ant bioassay. No data exists for compositions 1-16. There are no results present for the two specifically claimed insecticides pyrethrin and bifenthrin (claim 4) in the specification.

Response to Arguments

Applicant's arguments filed 4/15/2009 in response to the rejection of claims over Ferrell et al. (US 5750130) and Ferrell et al. (US 5750130) in view of Turnbull (US 5705516) have been fully considered, but are moot in light of the new grounds of rejection which now account for the more narrow range of surfactant present in the claimed composition. However, the Examiner will address those issues relevant to the current rejection and the Ferrell reference.

Applicant argues that Ferrell fails to disclose the range for the amount of surfactants added to the pesticidal composition and concludes that the instant application is the only guide for reaching the ranges claimed. This argument is not persuasive. It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the

claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant situation, Ferrell teaches at col. 4, lines 15-18 (as addressed above, and acknowledged by Applicant at page 10 of the response dated 4/15/2009) that "surfactants can modify the rate at which the pesticide is released into the environment by modifying the hydrophibicity of the carrier material." Accordingly, one of ordinary skill in the art would be motivated to adjust the result effective variable in order to achieve the optimal or desired release characterizes of the pesticide. It is noted that applicant has not provided evidence suggesting that the claimed range of 4 to 15% surfactant is critical or somehow unexpected.

Applicant argues that Ferrell imposes the restriction that the wax soluble surfactants should not interfere with the activity of the pesticides and that this limits the possible combination of surfactants and pesticides. Applicant notes that the instant claims do not require this limitation. This argument is not persuasive. Simply because the prior art teaching may be narrower in the sense that surfactants that interfere with the pesticide should be avoided, does not mean that the teachings of Ferrell somehow no longer read on the instant claims. A more specific teaching will always read on, or fall within a more broad teaching. In the instant case, Ferrell teaches all the ingredients required by the instant claims, the amounts present in the working examples, however, differ and therefore the rejection was made under 35 USC 103 rather than 102. Furthermore, it only makes sense to utilize a surfactant which will not negatively effect the activity of the pesticide. If the surfactant did negatively effect the activity of the

pesticide, it defeats the purpose of the composition. In this sense, this particular teaching of Ferrell can hardly be considered to be limiting.

Conclusion

Claims 1-7 are rejected. No claim is allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kortney Klinkel, whose telephone number is (571)270-5239. The examiner can normally be reached on Monday-Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached at (571)272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLK

/Sharmila Gollamudi Landau/
Supervisory Patent Examiner, Art Unit 1611